



DEPARTMENT OF THE NAVY
BUREAU OF MEDICINE AND SURGERY
2300 E STREET NW
WASHINGTON DC 20372-5300

IN REPLY REFER TO:

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Ser M3/5/AT-41893
13 Aug 09

MEMORANDUM FOR COMMANDER, NAVY MEDICINE EAST
COMMANDER, NAVY MEDICINE WEST
COMMANDER, NAVY MEDICINE NATIONAL CAPITAL AREA

Subj: IMPARTIAL REVIEW OF MEDICAL EVIDENCE PRESENTED BY NARRATIVE
SUMMARY OR MEDICAL EVALUATION BOARD FINDINGS

Ref: (a) Under Secretary of Defense Policy Memorandum on Implementing
Disability-Related Provisions of the National Defense Authorization Act of 2008
(Pub L. 110-181), Section E3.P1.2.6 "Additional instructions for Disability Medical
Evaluation" of 14 Oct 2008
(b) National Defense Authorization Act 2008, subsection 1612, Medical Evaluations and
Physical Disability Evaluations of Recovering Service Members

1. This memorandum provides Medical Treatment Facilities (MTFs) with information regarding roles and responsibilities associated with the provision of an impartial medical review for service members referred for Disability Evaluation System (DES) consideration by the Physical Evaluation Board (PEB) per references (a) and (b).

2. Per reference (a) section E3.P1.2.6.1.2, each MTF will ensure that upon request of a Service member referred into the DES, an impartial physician or other appropriate health care professional (not involved in the Service member's medical evaluation board (MEB) process) is assigned to the Service member to offer review of the medical evidence presented in the narrative summary or MEB findings. In most cases, this impartial health professional should be the Service member's primary care manager (PCM). The impartial health professional will have no more than 5 calendar days to advise the Service member on whether the findings of the MEB adequately reflect the complete spectrum of injuries and illness of the Service member.

3. Per reference (a) sections E3.P1.2.6.1.2 and E3.P1.2.6.1.3, there are specified timeframes that must be adhered to during the review process. After review of findings with the assigned impartial health care professional, a Service member shall be afforded an opportunity to request a rebuttal of the results of the MEB. A Service member shall be afforded 7 calendar days to prepare a rebuttal to the convening medical authority. The convening medical board authority shall be afforded 7 calendar days to consider the rebuttal and return the fully documented decision to the Service member. In the case of a MEB rebuttal, the MEB shall not be forwarded to the PEB until the rebuttal is finalized and MEB results indicate the Service member may be unfit for duty. The fully documented rebuttal will be included with the MEB information sent to the PEB. Exception to timelines may be granted by an authority appointed by the Secretary concerned.

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4. It is imperative that Commanding Officers provide their strong leadership, management, and oversight in order for both the DES process and impartial physician review to be successful. Strong collaborative partnership between clinicians and administrators is vital. Convening Authorities and Patient Administration Department Heads must work in concert to educate physicians, MTF administration staff, and Service members undergoing the DES on the process, their roles, rights, and responsibilities regarding this impartial medical review.

5. My point of contact for this policy is CDR Walter Elias, MC, USN, at (202) 762-0553 or e-mail at Walter.Elias@med.navy.mil, or LCDR Robert Poerschmann, MSC, USN, at (202) 762-3143 or e-mail at Robert.Poerschmann@med.navy.mil.

A handwritten signature in black ink that reads "A. M. Robinson, Jr." The signature is written in a cursive, flowing style.

A. M. ROBINSON, JR.